



January 16, 2008

HOUSE BILL No. 1052

DIGEST OF HB 1052 (Updated January 9, 2008 4:47 pm - DI 69)

Citations Affected: IC 9-26; noncode.

Synopsis: Motorist duties at accident scenes. Provides that the law requiring a driver involved in an accident to stop at the accident scene, notify the appropriate law enforcement agency, and render reasonable assistance applies if the accident results in the entrapment of a person in a vehicle. (Under current law, the law applies only if the accident results in the injury or death of a person.) Provides that if the driver is physically incapable of notifying the appropriate law enforcement agency or rendering reasonable assistance, the duty to notify or to render reasonable assistance is imposed on a passenger in the driver's vehicle who is: (1) at least 15 years and six months of age; and (2) capable of discharging the duty. Provides that a passenger commits a Class C misdemeanor if the passenger fails to notify or to render reasonable assistance when the duty is imposed upon the passenger. Provides that a violation of the law requiring a driver or a passenger to take certain actions at the scene of an accident, to constitute a Class C misdemeanor, must be committed intentionally, knowingly, or recklessly.

Effective: July 1, 2008.

Neese, Hoy

January 8, 2008, read first time and referred to Committee on Courts and Criminal Code.
January 15, 2008, amended, reported — Do Pass.

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HB 1052—LS 6424/DI 107+



January 16, 2008

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

HOUSE BILL No. 1052

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-26-1-1, AS AMENDED BY P.L.210-2005,
2 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2008]: Sec. 1. The driver of a vehicle involved in an accident
4 that results in the injury or death of a person **or the entrapment of a**
5 **person in a vehicle** shall do the following:

6 (1) Immediately stop the **driver's** vehicle at the scene of the
7 accident or as close to the accident as possible in a manner that
8 does not obstruct traffic more than is necessary.

9 (2) Immediately return to and remain at the scene of the accident
10 until the driver does the following:

11 (A) Gives the driver's name and address and the registration
12 number of the vehicle the driver was driving.

13 (B) Upon request, exhibits the driver's license of the driver to
14 the following:

15 (i) The person struck.

16 (ii) The driver or occupant of or person attending each
17 vehicle involved in the accident.

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(C) **Subject to section 1.5(a) of this chapter**, determines the need for and renders reasonable assistance to each person injured **or entrapped** in the accident, including the removal or the making of arrangements for:

(i) the removal of each injured person **from the scene of the accident** to a physician or hospital for medical treatment; **and**

(ii) **the removal of each entrapped person from the vehicle in which the person is entrapped.**

(3) **Subject to section 1.5(b) of this chapter**, immediately give notice of the accident by the quickest means of communication to one (1) of the following:

(A) The local police department if the accident occurs within a municipality.

(B) The office of the county sheriff or the nearest state police post if the accident occurs outside a municipality.

(4) Within ten (10) days after the accident, forward a written report of the accident to the:

(A) state police department, if the accident occurs before January 1, 2006; or

(B) bureau, if the accident occurs after December 31, 2005.

SECTION 2. IC 9-26-1-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 1.5. (a) If:**

(1) **the driver of a vehicle is physically incapable of determining the need for or rendering assistance to any injured or entrapped person as required under section 1(2)(C) of this chapter; and**

(2) **there is another occupant in the vehicle at the time of the accident who is:**

(A) **at least fifteen (15) years and six (6) months of age; and**

(B) **capable of determining the need for and rendering reasonable assistance to injured or entrapped persons as provided in section 1(2)(C) of this chapter;**

the vehicle occupant referred to in subdivision (2) shall immediately determine the need for and render reasonable assistance to each person injured or entrapped in the accident as provided in section 1(2)(C) of this chapter.

(b) If:

(1) **the driver of a vehicle is physically incapable of giving immediate notice of an accident as required under section 1(3) of this chapter; and**

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(2) there is another occupant in the vehicle at the time of the accident who is:

(A) at least fifteen (15) years and six (6) months of age; and

(B) capable of giving notice as provided in section 1(3) of this chapter;

the vehicle occupant referred to in subdivision (2) shall immediately give notice of the accident by the quickest means of communication as provided in section 1(3) of this chapter.

(c) If there is more than one (1) vehicle occupant to whom subsection (a) applies, it is a defense to a prosecution of one (1) vehicle occupant under subsection (a) that the defendant reasonably believed that another occupant of the vehicle determined the need for and rendered reasonable assistance as required under subsection (a).

(d) If there is more than one (1) vehicle occupant to whom subsection (b) applies, it is a defense to a prosecution of one (1) vehicle occupant under subsection (b) that the defendant reasonably believed that another occupant of the vehicle gave the notice required under subsection (b).

SECTION 3. IC 9-26-1-2, AS AMENDED BY P.L.210-2005, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. The driver of a vehicle involved in an accident that does not result in injury or death of a person **or the entrapment of a person in a vehicle** but that does result in damage to a vehicle that is driven or attended by a person shall do the following:

(1) Immediately stop the vehicle at the scene of the accident or as close to the accident as possible in a manner that does not obstruct traffic more than is necessary.

(2) Immediately return to and remain at the scene of the accident until the driver does the following:

(A) Gives the driver's name and address and the registration number of the vehicle the driver was driving.

(B) Upon request, exhibits the driver's license of the driver to the driver or occupant of or person attending each vehicle involved in the accident.

(3) If the accident results in total property damage to an apparent extent of at least one thousand dollars (\$1,000), forward a written report of the accident to the:

(A) state police department, if the accident occurs before January 1, 2006; or

(B) bureau, if the accident occurs after December 31, 2005; within ten (10) days after the accident.

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1 SECTION 4. IC 9-26-1-6 IS AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2008]: Sec. 6. (a) If:

3 (1) the driver of a vehicle is physically incapable of making ~~an~~
 4 ~~immediate or~~ a written report of an accident as required by this
 5 chapter; and

6 (2) there was another occupant in the vehicle at the time of the
 7 accident capable of making ~~an immediate or~~ a written report;
 8 the occupant shall make or cause to be made the report not made by the
 9 driver.

10 (b) If:

11 (1) the driver of a vehicle is physically incapable of making an
 12 immediate or a written report of an accident as required by this
 13 chapter;

14 (2) there was no other occupant; and

15 (3) the driver is not the owner of the vehicle;

16 the owner of the vehicle involved in the accident shall, within five (5)
 17 days after the accident, make the report not made by the driver.

18 SECTION 5. IC 9-26-1-9 IS AMENDED TO READ AS FOLLOWS
 19 [EFFECTIVE JULY 1, 2008]: Sec. 9. A person who **intentionally,**
 20 **knowingly, or recklessly** violates section **1(2)(C), 1(3), 1.5, 2(1), or**
 21 **2(2)** of this chapter commits a Class C misdemeanor.

22 SECTION 6. [EFFECTIVE JULY 1, 2008] **IC 9-26-1-1,**
 23 **IC 9-26-1-2, IC 9-26-1-6, and IC 9-26-1-9, all as amended by this**
 24 **act, and IC 9-26-1-1.5, as added by this act, apply only to crimes**
 25 **committed after June 30, 2008.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1052, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 30, after "is" insert ":

(A) at least fifteen (15) years and six (6) months of age; and (B)".

Page 2, line 42, after "is" insert ":

(A) at least fifteen (15) years and six (6) months of age; and (B)".

and when so amended that said bill do pass.

(Reference is to HB 1052 as introduced.)

HOY, Chair

Committee Vote: yeas 10, nays 0.

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